

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10581 NMG

YVETTE LOCKHART-BEMBERY,)
Plaintiff)
VS.)
TOWN OF WAYLAND POLICE DEPARTMENT,)
ROBERT IRVING, in his capacity as CHIEF OF THE)
WAYLAND POLICE DEPARTMENT and)
DANIEL SAURO)
Defendants)

MOTION OF DEFENDANTS' IN LIMINE TO
PRECLUDE REFERENCES TO ANY PRIOR
STOPS BY THE WAYLAND POLICE DEPARTMENT
AND FURTHER TO EXCLUDE THE TESTIMONY
OF ADELIO DEMIRANDA AND ANDREW STOCKWELL ALBERT

The defendants in the above-referenced case hereby move, *in limine*, to request this Court to preclude the plaintiff and her counsel from introducing any evidence of a stop by a Wayland Police Officer relative to another matter and further to preclude the testimony of Adelio DeMiranda and Andrew Stockwell Albert as it pertains to that other stop.

In support thereof, the defendants state as follows:

1. The plaintiff has listed Attorneys Adelio DeMiranda and Andrew Stockwell Albert on her witness list.
2. It is the defendants understanding that the sole purpose of Attorneys DeMiranda and Stockwell Albert being listed as witnesses is to have them testify on an unrelated case (*DeMiranda v Wayland*) in which there was an allegation that another Wayland Police Officer (not a named defendant in this case) stopped the plaintiff because of his race.

3. Through discovery in this case, there has been absolutely *no* evidence of any race related reasons for any of the actions taken by the defendants.

4. The plaintiff apparently wants to introduce extraneous issues into this case to improperly suggest to the jury that they should find that the defendants took certain actions with regards to the plaintiff because she is African American.

5. There is no factual basis in any of the evidence derived from this case from which the jury could find that the defendants' actions were the result of the plaintiff's race.

6. The defendants suggest that it would prejudice the defendants if the plaintiff and/or her counsel were allowed to mention any unrelated and unsubstantiated facts regarding an alleged stop made by another Wayland Police Officer completely unrelated to this case particularly in light of the fact that there is no evidence to support it.

WHEREFORE, the defendants ask this Court to preclude the plaintiff from referencing any other case involving some other officer and further, to preclude the testimony of Adelio DeMiranda and Andrew Stockwell Albert.

Respectfully submitted,
The Defendants,
By their attorneys,

/s/ Jeremy Silverfine
Jeremy Silverfine, BBO No. 542779
Leonard H. Kesten, BBO No. 542042
Brody, Hardoon, Perkins & Kesten, LLP
One Exeter Plaza
Boston, MA 02116
(617) 880-7100

Dated: January 9, 2006